

**SUPREME COURT MINUTES  
MONDAY, DECEMBER 23, 2013  
SAN FRANCISCO, CALIFORNIA**

**S207250** E054422/E054735/E054737/E054738

Fourth Appellate District, Div. 2

**PEOPLE v. BIANE (PAUL  
ANTOINE)**

Opinion filed: Judgment reversed

We express no opinion as to the validity of other defenses asserted by defendants in their demurrers. We hold only that, at the demurrer stage, the bribery counts and the related portions of the conspiracy count are not barred as a matter of law merely because the indictment alleges that defendant Burum was the offeror of the bribes or that defendant Erwin acted as Burum's agent. As that was the Court of Appeal's sole basis for its decision, its judgment must be reversed to the extent it affirmed the order of the superior court sustaining the demurrer of defendant Burum to target crimes 1 and 2 of the conspiracy count alleged in count 1 and to the crimes charged in counts 4, 5, 7, and 8, and to the extent it directed the superior court to sustain the demurrer of defendant Erwin to counts 5 and 8 and the related target crimes in count 1. The matter is remanded to the Court of Appeal for further proceedings consistent with this opinion.

Majority Opinion by Baxter, J.

-- joined by Cantil-Sakauye, C. J., Kennard, Werdegar, Chin, Corrigan, and Liu, JJ.

**S214565**

**SCHOPPE-RICO (JOHN) ON  
H.C.**

Petition ordered withdrawn

Pursuant to written request of petitioner, the above-entitled petition for writ of habeas corpus is ordered withdrawn.

**S214670**

**RODRIGUEZ (MIGUEL  
ANGEL-HORTA) ON H.C.**

Petition ordered withdrawn

Pursuant to written request of petitioner, the above-entitled petition for writ of habeas corpus is ordered withdrawn.